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Paper No.

CLARK & ELBING LLP 101 FEDERAL STREET BOSTON MA 02110

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of

Robl, et al.

DECISION ON APPLICATION

Application No. 10/705,519 FOR

Filed: November 10, 2003 PATENT TERM ADJUSTMENT

Atty Docket No.

50195/023003

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER UNDER 37 CFR 1.705(d)," filed December 3 2008. Applicants request that the patent term adjustment of two hundred sixty three (263) days be adjusted to a determination of four hundred and sixty nine (469) days.

The request for reconsideration of patent term adjustment is GRANTED.

On September 30, 2008, the above-identified application matured into US Patent No. 7,429,690 with a patent term adjustment of 263 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e), paid on December 1, 2008. No additional fees are required.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are entitled to a total patent term adjustment of 469 days.

Note the certificate of mailing date for petition was 12/1/2008.

In view of the Federal Circuit decision Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010) the relief requested is granted.

The Office will sua sponte issue a certificate of correction reflecting this decision.

Telephone inquiries specific to this decision should be directed to Maria Nuzzolillo, Legal Advisor, at (571) 272-8150, or the undersigned at 571-272-7757.

/Kery A. Fries/

Kery A. Fries Senior Legal Advisor Office of Patent Legal Administration Office of Deputy Commissioner for Examination Policy

cc: Draft Certificate of Correction
Adjusted PTA calculation

PALM INTRANET

Day : Monday Date: 7/19/2010

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	•	P	FA Calculations for Applic	ation: <u>10/705519</u>		<u></u>	
		Application Filing Date:	11/10/2003	PTO Dela	у (РТС): 455	
		Issue Date of Patent:	09/30/2008	Thre	e Yea	rs: 0	
•		Pre-Issue Petitions:	0	Applicant Delay	(APPL	.): 192	
		Post-Issue Petitions:	0	Total PT/	A (day	s): 469	
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19	04/10/2006	MAIL RESTRICTION REQUIREMENT	455		-1
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9	12/17/2004	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN	<u> </u>		
8	12/20/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	01/07/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
6	10/21/2004	NOTICE MAILEDAPPLICATION INCOMPLETEFILING DATE ASSIGNED			
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Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh. Back to OASIS I Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT

: 7,449,019 B2

DATED

: November 11, 2008

Draft

INVENTOR(S): Uchida et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

Subject to any disclaimer, the term of this patent is extended or adjusted [*] Notice: under 35 USC 154(b) by (702) days

Delete the phrase "by 702 days" and insert - by 1081 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT

: 7,429,690 B2

DATED

: September 30, 2008

Draft

INVENTOR(S): Robl, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (469) days

Delete the phrase "by 263 days" and insert – by 469 days--

PALM INTRANET

Day : Monday Date: 7/19/2010 Time: 12:08:16

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		PT	A Calculations for Ap	plication: 10/705519			
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EXPLANATION OF PTA CALCULATION

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